| UNITED STATES DISTRICT COURT<br>SOUTHERN DISTRICT OF NEW YORK  |  |
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| THE NEW YORK TIMES COMPANY, CHARLIE SAVAGE, and SCOTT SHANE,   |  |
| Plaintiffs,  | 11 Civ. 9336 (CM)  |
| -against-  | The control of the co |
| UNITED STATES DEPARTMENT OF JUSTICE,   | DOCTOR TOR   |
| Defendant.   | AL PAREZBASIANA MITRO  |
| AMERICAN CIVIL LIBERTIES UNION and THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION,  | 6/30/14  |
| Plaintiffs,  | 12 Civ. 794 (CM)   |
| -against-  |  |
| U.S. DEPARTMENT OF JUSTICE, including its component the Office of Legal Counsel, U.S. DEPARTMENT OF DEFENSE, including its Component U.S. Special Operations Command, and CENTRAL INTELLIGENCE AGENCY, |  |
| Defendants.  |  |
| x  |  |
| ORDER  |  |
| McMahon, J.:   |  |
| This court has received a partial mandate from the United States Court of Appeals for the  |  |
| Second Circuit, directing that, at this time:  |  |
|  |  |

(3) other legal memoranda prepared by OLC and at issue here must be submitted to the District Court for in camera inspection and determination of waiver of privileges and appropriate redaction;

New York Times Co. v. U.S. Dep't of Justice, 13-422 L, 2014 WL 2838861 (2d Cir. June 23, 2014) (Mandate issued on June 26, 2014).

Accordingly, the Government is directed to comply with Paragraph 3 of the conclusion of the Second Circuit's amended opinion of June 23, 2014, by providing this court with:

- (1) Unreducted copies of the "other legal memoranda prepared by OLC and at issue here" that are the subject of the Mandate (hereinafter "The OLC Opinions");
- (2) A memorandum under seal in which, for each such OLC Opinion, the Government:
  - a. Explains why, in its view, said OLC Opinion need not be disclosed at all because there has been no waiver of any applicable privilege; and
  - b. If the Government concedes that certain portions of said OLC Opinion must be disclosed consistent with the Second Circuit's already articulated findings on waiver of privileges, provides the court with a list of proposed redactions, and as to each such proposed redaction (discussed individually):
    - (i) Explains why that proposed redaction should not be disclosed; and
    - (ii) Explains, with specific reference to the various speeches,
      Interviews, leaks and publicly-released documents that are
      discussed in the Second Circuit's opinion, why the Government
      has not waived disclosure of the proposed redacted material.

The Government has 21 days to comply.

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United States District Judge

BY ECF TO ALL COUNSEL